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OCT 16 2006

Appl. No.: 10/711,100
Amdt. Dated: 10/16/2006
Reply to Office action of: 09/07/2006

AMENDMENTS TO THE DRAWINGS:

There are no amendments to the drawings being presented herewith.

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REMARKS/ARGUMENTS

Claims 1 – 17 remain in this application. Claims 1 and 10 have been amended to more clearly define the claimed invention and more clearly show the patentable differences of the claimed invention over the cited references.

No new matter has been introduced by these amendments.

Claims 1 and 10 were rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5609411 to Calouri. Specifically, the Examiner states,

The patent to Calouri discloses a device having a bin having one closed end and open end and further having a top wall with a structural rib (16), a bottom wall and two side walls having a mounting tab (40) located thereon, the tab having a bore (58) therein, the rear end having a pair of spacer stanchions (15) located thereon.

Applicant respectfully traverses this rejection. The key to Applicants' invention is a bin that allows for the mounting of a small footprint radio within an instrument panel large footprint radio-mounting bin without out the need for providing two separate instrument panels on the assembly line. Furthermore, the claimed invention is configured such that it is simply inserted into the much larger opening and fixed to said instrument panel thereby providing the proper mounting opening size such that the radio mounted therein does not require butterfly bending and expandable mounting appendages or other special fittings.

A fair reading of the Calouri reference discloses a recessed lighting fixture for use in the ceilings of building having sheet rock ceiling panel surfaces (see for example, Col. 1, lines 4 – 6, and Figs. 1 and 2). In order to mount this lighting fixture the opening in the ceiling sheet rock panel must be "barely larger than the housing" (see for example, Col. 1, line 62 – Col. 2 line 2) and there is no teaching of how to fit a claimed lighting fixture into an opening that is sized for a larger lighting fixture. Furthermore, this disclosure requires that the fixture be an open-ended cylinder with a flange around the complete circumference of the open end of the cylinder, said flange being larger in outside diameter than the barely larger than housing hole in the ceiling panel (see for example, Col. 2, lines 24 – 27). In order to fix the lighting fixture to ceiling panels and to adapt for ceiling panels of varying thicknesses the reference invention requires a pair of butterfly retaining clips which are spring biased to an open position allowing the clips to be

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collapsed against the lighting fixture cylinder wall to allow passage through the barely larger opening of the ceiling panel and then to expand to hold the fixture in the ceiling (see for example Col. 2, lines 27 – 34) and further requires an adjusting locking mechanism to tighten the expandable clips against the surface of the ceiling panel opposite the side having the fixture retaining flange (see for example Col. 2, lines 34 – 38).

Thus the Calouri reference teaches as critical elements of its lighting fixture, a cylindrical shape, a flange around the complete circumference of the cylindrical body open end, outwardly biased spring clips, and a means of expanding said spring clips outwardly to fix them against the panel the lighting fixture is mounted too through an opening “barely larger than the housing”. None of these critical elements are required by Applicant’s claimed invention. Further, the Calouri reference fails to teach how to provide an outside dimensioning to fill an opening for one larger sized fixture while providing a smaller dimensioned opening sized to directly mount a smaller sized fixture. Clearly, this reference does not disclose, teach, or fairly suggest to one skilled in the pertinent art how to remove these critical elements, change the shape from cylindrical to rectangular and provide a flange on only one side of said rectangular bin to arrive at Applicant’s claimed invention.

Clearly, when viewed in this light the Calouri reference does not disclose, teach, or fairly suggest the radio bin spacer of Applicants’ present invention.

Claims 2 – 7 and 11 – 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5609411 to Calouri as applied to claims 1 and 10 above, and in view of United states Patent No. 6330121 to Kobayashi et al. Specifically, the Examiner states:

Calouri discloses applicant’s basic inventive concept, all the elements which are shown above with the exception that it does not show the specific materials of plastic, polypropylene, thermoplastic olefins, butadiene, and polycarbonate.

Kobayashi et al. teaches a mounting device for a optical device which is made of plastic, polypropylene, thermoplastic olefins, butadiene or polycarbonate (See Col. 12 lines 24 – 29 for material), the materials used for their resilient and strength properties. Therefore it would have been obvious to one of ordinary skill in the art from the

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teachings of Kobayashi et al. to have made the device of these materials in order to have a resilient and strong device.

Applicant respectfully traverses this rejection. The key to Applicants' invention, as mentioned above, is a bin that allows for the mounting of a small footprint radio within an instrument panel large footprint radio-mounting bin without out the need for providing two separate instrument panels on the assembly line. Furthermore, the claimed invention is configured such that it is simply inserted into the much larger opening and fixed to said instrument panel thereby providing the proper mounting opening size such that the radio mounted therein does not require butterfly bending and expandable mounting appendages or other special fittings.

A fair reading of the Calouri reference, as mentioned above, discloses a recessed lighting fixture for use in the ceilings of building having sheet rock ceiling panel surfaces (see for example, Col. 1, lines 4 – 6, and Figs. 1 and 2). In order to mount this lighting fixture the opening in the ceiling sheet rock panel must be "barely larger than the housing" (see for example, Col. 1, line 62 – Col. 2 line 2) and there is no teaching of how to fit a claimed lighting fixture into an opening that is sized for a larger lighting fixture. Furthermore, this disclosure requires that the fixture be an open-ended cylinder with a flange around the complete circumference of the open end of the cylinder, said flange being larger in outside diameter than the barely larger than housing hole in the ceiling panel (see for example, Col. 2, lines 24 – 27). In order to fix the lighting fixture to ceiling panels and to adapt for ceiling panels of varying thicknesses the reference invention requires a pair of butterfly retaining clips which are spring biased to an open position allowing the clips to be collapsed against the lighting fixture cylinder wall to allow passage through the barely larger opening of the ceiling panel and then to expand to hold the fixture in the ceiling (see for example Col. 2, lines 27 – 34) and further requires an adjusting locking mechanism to tighten the expandable clips against the surface of the ceiling panel opposite the side having the fixture retaining flange (see for example Col. 2, lines 34 – 38).

A fair reading of the Kobayashi et al. reference, as it applies to this rejection, discloses an optical prism display element support utilizing the elasticity of plastics to provide a means of locking the elements together instead of having to utilize separate fasteners (see for example, Col. 12, lines 18 – 29).

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Thus the Calouri reference teaches as critical elements of its lighting fixture, a cylindrical shape, a flange around the complete circumference of the cylindrical body open end, outwardly biased spring clips, and a means of expanding said spring clips outwardly to fix them against the panel the lighting fixture is mounted too through an opening "barely larger than the housing". None of these critical elements are required by Applicant's claimed invention. Further, the Calouri reference fails to teach how to provide an outside dimensioning to fill an opening for one larger sized fixture while providing a smaller dimensioned opening sized to directly mount a smaller sized fixture. Clearly, this reference does not disclose, teach, or fairly suggest to one skilled in the pertinent art how to remove these critical elements, change the shape from cylindrical to rectangular and provide a flange on only one side of said rectangular bin to arrive at Applicant's claimed invention.

The Kobayashi et al. reference fails to provide any disclosure, teaching, or fair suggestion to one skilled in the art on how to adapt the use of plastic or its elastic properties to the lighting fixture mounting features of the Calouri reference. And the Calouri reference also fails to disclose, teach, or fairly suggest the desirability of using plastic instead of metal for the fixing tabs that are a critical requirement of its claimed invention. Thus, neither of these references provides the necessary impetus suggesting such a combination which is required to allow such combination.

Clearly, when viewed in this light the Calouri reference, Kobayashi et al. reference, and any combination thereof do not disclose, teach, or fairly suggest the radio bin spacer of Applicants' present invention.

Claims 8, 9, 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5609414 to Calouri as applied to claims 1 and 10 above, and I view of United States Patent Publication No. 2005/0231954 to Czech. Specifically, the Examiner states:

Calouri discloses applicant's basic inventive concept, all the elements which are shown above with the exception that it does not show the specific materials of aluminum and metal.

Czech teaches a mounting device for an optical device which is made of aluminum metal (See page 2, paragraph 0023 for material), the material used for their strength properties. Therefore it would have been obvious

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to one of ordinary skill in the art from the teachings of Czech to have made the device of these materials in order to have a strong device.

Applicant respectfully traverses this rejection. The key to Applicants' invention, as mentioned above, is a bin that allows for the mounting of a small footprint radio within an instrument panel large footprint radio-mounting bin without out the need for providing two separate instrument panels on the assembly line. Furthermore, the claimed invention is configured such that it is simply inserted into the much larger opening and fixed to said instrument panel thereby providing the proper mounting opening size such that the radio mounted therein does not require butterfly bending and expandable mounting appendages or other special fittings.

A fair reading of the Calouri reference, as mentioned above, discloses a recessed lighting fixture for use in the ceilings of building having sheet rock ceiling panel surfaces (see for example, Col. 1, lines 4 – 6, and Figs. 1 and 2). In order to mount this lighting fixture the opening in the ceiling sheet rock panel must be "barely larger than the housing" (see for example, Col. 1, line 62 – Col. 2 line 2) and there is no teaching of how to fit a claimed lighting fixture into an opening that is sized for a larger lighting fixture. Furthermore, this disclosure requires that the fixture be an open-ended cylinder with a flange around the complete circumference of the open end of the cylinder, said flange being larger in outside diameter than the barely larger than housing hole in the ceiling panel (see for example, Col. 2, lines 24 – 27). In order to fix the lighting fixture to ceiling panels and to adapt for ceiling panels of varying thicknesses the reference invention requires a pair of butterfly retaining clips which are spring biased to an open position allowing the clips to be collapsed against the lighting fixture cylinder wall to allow passage through the barely larger opening of the ceiling panel and then to expand to hold the fixture in the ceiling (see for example Col. 2, lines 27 – 34) and further requires an adjusting locking mechanism to tighten the expandable clips against the surface of the ceiling panel opposite the side having the fixture retaining flange (see for example Col. 2, lines 34 – 38).

A fair reading of the Czech reference, as it pertains to this rejection, discloses the use of formable sheet metal to stamp and bend an intricate lighting fixture mounting device (see for example, page 2, paragraph 23) and not how to utilize cast metal fittings as a radio bin spacer or any other type of cast fitting. Furthermore, the Czech reference

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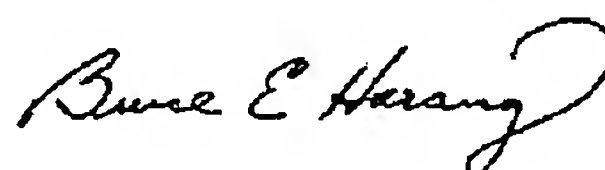
teaches a lighting fixture which requires stud mounting brackets (70) to mount the disclosed lighting fixture for use (see for example, page 2, paragraph 28, and Figs. 1, 2, and 4). This feature is exactly the feature the Calouri reference teaches that it eliminates.

The Calouri reference teaches a lighting fixture that does not require mounting to a stud or support frame in mounting, the Czech reference teaches the requirement of mounting brackets that are mounting in studs or a framework to mount the lighting fixture. And while the Czech reference does teach the specific use of malleable sheet metal from which to stamp and form the disclosed lighting fixture it does not teach the use of cast metal to form the lighting fixture. Such change is also not fairly suggested by the use of sheet metal where, as here, the form to be produced is of very intricate and involved design. Thus, neither of these references provides the necessary impetus suggesting such a combination which is required to allow such combination.

Clearly, when viewed in this light the Calouri reference, Kobayashi et al. reference, and any combination thereof do not disclose, teach, or fairly suggest the radio bin spacer of Applicants' present invention.

In view of the remarks herein, and the amendments hereto, it is submitted that this application is in condition for allowance, and such action and issuance of a timely Notice of Allowance is respectfully solicited.

Respectfully submitted,



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